



COMMONWEALTH of VIRGINIA

Office of the Attorney General

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MEMORANDUM

TO: BRIAN MCCORMICK
Department of Medical Assistance Services

FROM: NOËLLE L. SHAW-BELL
Assistant Attorney General

DATE: June 25, 2008

SUBJECT: Proposed Emergency Regulation 12 VAC 30-40-290

I have reviewed the above-referenced proposed emergency regulation concerning treatment of life estates to determine whether the Board of Medical Assistance Services (the Board) has the statutory authority to take this action.

Based on my review, it is this Office's view that the Director, acting on behalf of the Board pursuant to Va. Code §§ 32.1-324 and 32.1-325, has the authority to promulgate this regulation, subject to compliance with the provisions of Article 2 of the Administrative Process Act, and has not exceeded that authority.

If you have any questions, please feel free to call me at 786-3450.

cc. Kim F. Piner, Sr. Assistant Attorney General and Section Chief